

insufficient to defeat summary judgment. First National Bank of Boston v Slade, 379 Mass. 243, 246 (1979); Albre Marble & Tile Co. Inc., v John Bowen Co., 338 Mass 394, 397 (1959). The mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion of summary judgment, the requirement is that there be no genuine issue of material fact. Anderson v Liberty, 477 U.S. 242, 247-48 (1986); Beatty v NP Corp., 31 Mass. App. Ct. 606, 608 (1991). A fact is deemed material only "if it might affect the outcome of a suit under the governing substantive law." Norske Bank v First National Bank of Boston, 838 F. Supp. 19, 25 (D. Mass. 1993).

### **FACTS**

The Plaintiff, Terri Pechner James, was sworn in as a Revere Police Officer on September 21, 1995. She was constructively discharged from her employment on March 13, 2001. The prolonged, severe, pervasive, hostile and abusive work environment she experienced during the period of her employment culminated in an incident that made it impossible for her to continue to work at the Revere Police Department after March 13, 2001.

That evening Plaintiff was working the 4:00 p.m. to midnight shift. She was a dispatcher for that shift. One of her duties was to periodically check on prisoners being held at the station. While she was performing her duties, a prisoner named Christopher Daley asked her for a blanket. The Plaintiff offered him the blanket. The Plaintiff knew the prisoner from their days in the same high school. He told her that Detective Goodwin had asked him if he had ever "been with" the Plaintiff. The term "been with" is commonly interpreted to mean "had sexual intercourse with." (See Plaintiff's Affidavit & Attached Exhibits.)

The prisoner also stated that the last time he was at the station he heard Lieutenant Santoro, one of Plaintiff's supervisors, and a Defendant in this case, ask John Barker, another prisoner, if he had ever "fucked" the Plaintiff. (See Plaintiff's Affidavit & Attached Exhibits.) The events were later confirmed by independent investigations. The Plaintiff became extremely upset and emotionally distraught by these attacks from her